S.B. Criminal Misc. Bail Application No.2755/2006

Date : 06.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Vinit Kumar Mathur for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant submits that on the basis of some secret information after `Nakabandi', other accused persons were apprehended and the contraband material was recovered. He submits that that neither contraband material was recovered from the possession of the accused-applicant nor the applicant was present at the spot. He submits that only on the basis of statement of the co-accused, the present accused-applicant has been involved in this case and there is no other evidence available on record to connect the accused-applicant with the crime. He further

submits that since last few months, accused-applicant is in jail, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that large quantity of Opium is involved, therefore, the accused-applicant may not be granted bail.

I have considered the submissions made before me. Involvement of the accused-applicant has been shown only on the basis of statement of the co-accused except that there is no other evidence is brought to the notice of the Court.

In view of above, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Kailash Chandra son of Heera Lal Dhakar shall be released on bail in FIR No.705/2005 P.S. Chittorgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two

sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.